



**Zoning Board of Appeals Agenda  
Tuesday, February 15, 2022  
5:30 P.M. – City Council Chambers, 2<sup>nd</sup> floor, City Hall  
via video conference on Cisco Webex  
425 East State Street  
Rockford, IL 61104  
779-348-7423**

**Present:**

**ZBA Members:**

Dan Roszkowski  
Jennifer Smith  
Kim Johnsen  
Maurice Redd  
Craig Sockwell  
Tom Fabiano

**Absent:**

Jennifer Spencer

**Staff:**

Megan McNeill - Assistant City Attorney  
Leisha Kury - Administrative Assistant  
Scott Capovilla – Planning and Zoning Manager  
Mike Rotolo - Fire Prevention Coordinator  
Jeremy Carter - Traffic Engineer  
Karl Franzen - Community Development Director

**Others:**

Angela Loisi Laphen - Court Stenographer  
Aprel Prunty - Alderman  
Gina Meeks - Alderman  
Applicants and Interested Parties

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Dan Roszkowski, Chair of the ZBA, stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments

being submitted by 5:00 pm, on February 15, 2022 to Board Secretary Leisha Kury's email, or the City's permit center located on the first floor at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, February 28, 2022, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, March 7, 2022. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, March 15, 2022. If for any reason the item is

laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:43 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the January 19, 2022 meeting minutes with a correction on page 7. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 via roll call vote.

**ZBA 060-21**

Applicant  
Ward 11

**2308 20th Avenue**

Gidion Solanki

**Special Use Permit** for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District

**Laid over from January**

Albert Bugbee and the Applicant, Gidion Solanki, were present. Mr. Bugbee stated a violation was brought to his attention in last month's meeting, for not having a privacy fence. Mr. Solanki got some quotes to install a fence and some were just received today. They cannot proceed with fence installation as the ground is still frozen. Mr. Bugbee stated they forwarded pictures of what the interior looks like along with the inside of the container. Mr. Solanki needs to have that container for his material in order to run his business. Mr. Bugbee stated they are willing to construct the fence once the weather starts getting better. They would hope to start in May. Their plans is to put an 8-foot privacy fence with a gate behind it. The fence will be made of commercial material; the gate will be made of wood. Mr. Bugbee stated they are still trying to get more quotes, due to them only having two (2). If they do get more, they will forward the information to Scott.

No objectors or interested parties were present.

Staff Recommendation is for a Denial. No emails were read into the record.

Dan Roszkowski asked Scott Capovilla if an 8-foot fence is allowed. Mr. Capovilla responded it is acceptable in an industrial area with the required setbacks.

Craig Sockwell asked Mr. Capovilla if the information that was presented changed staff's position. Mr. Capovilla responded it would not change staff's position.

Kim Johnsen stated she would be in support of the 8-foot fence request. Ms. Johnsen stated she would give the applicant until May 31, 2022 to complete the requirement. Craig Sockwell stated they should layover the item in order to give the applicant more time to gather all their plans.

A **MOTION** was made by Kim Johnsen to **LAYOVER** the Special Use Permit for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0 via roll call vote.

**ZBA 001-22**

Applicant  
Ward 1

**5924, 5926, 5942, 5944, and 5972 Apawamis Way and 910 North Mulford Road**

Attorney Mario Tarara for Joseph Fanara

**Zoning Map Amendment** from C-1, Limited Office Zoning District to R-2, Two-family Residential Zoning District

Attorney Mario Tarara is representing the Applicant Joseph Fanara. Attorney Tarara stated this vacant land consist of three different parcels. The Applicant is requesting approval of a map amendment from C-1, Limited Office Zoning District to R-2 Two-family Residential Zoning District. Attorney Tarara stated in the application packet, there is an example drawing of what those residential duplexes will look like.

There will be four (4) side by side two-family residential buildings with two-car garage. The uses will be consistent with land uses in the area.

No objectors or interested parties were present.

Staff Recommendation is for Approval. No emails were read into the record.

A **MOTION** was made by Tom Fabiano to **APPROVE** Zoning Map Amendment from C-1, Limited Office Zoning District to R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0 via roll call vote.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT**  
**FROM C-1, LIMITED OFFICE ZONING DISTRICT TO**  
**R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT**  
**LOCATED AT 5924, 5926, 5942, 5944, 5972 APAWAMIS WAY AND 910 NORTH MULFORD**  
**ROAD**

**Approval** of this Zoning Map Amendment is based upon the following findings:

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RM-CO, Medium Residential-Office.

**ZBA 002-22**

Applicant  
Ward 3

**412 North Church Street**

Jennifer Smith for Emmanuel Episcopal Church

**Variation** to allow two (2) dumpsters in the front yard along North Court Street, a **Variation** to allow a dumpster enclosure six (6) feet in height in the front yard along North Court Street, and a **Variation** to allow a shed in the front yard along North Court Street in a C-1, Limited Office Zoning District

The applicant, Jennifer Smith, was present. Ms. Smith stated she is a member at the Emmanuel Episcopal Church, on the church's board, and is representing her church. Ms. Smith stated she is requesting three (3) variations. There are two existing dumpsters and an existing shed in the northwest corner of the property near the court street entrance of the parking lot. The church is surrounded by three streets, which is technically consider three front yards. Ms. Smith said the church is requesting these variations due to the three front yards and being the best location on the site. The shed is primarily used for equipment that can't be store inside the church, for example a snow blower. Ms. Smith stated the dumpsters are used primarily by the day center for adults with mental health issues. The layout of this property places the dumpsters the furthest away from the entrances to the buildings, which would be a good place for the dumpsters to be located.

Kim Johnsen asked if the chain link fence will remain that is currently along the north side of the property. Ms. Smith responded that the chain link fence is actually the park districts property and it will remain.

No objectors or interested parties were present.

Staff Recommendation is for Approval with three (3) conditions. No emails were read into the record.

A **MOTION** was made by Maurice Redd to **APPROVE** Variation to allow two (2) dumpsters in the front yard along North Court Street, **APPROVE** a Variation to allow a dumpster enclosure six (6) feet in height in the front yard along North Court Street, and **APPROVE** a Variation to allow a shed in the front yard along North Court Street in a C-1, Limited Office Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0 via roll call vote with Jennifer Smith abstaining.

Approval is based on the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Dumpster Enclosure Permit and dumpster detail for Staff review and approval.
3. The site, dumpster enclosures, and shed must be in compliance with the approved Exhibits D and E.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO ALLOW TWO (2) DUMPSTERS IN THE FRONT YARD  
ALONG NORTH COURT STREET  
IN A C-1, LIMITED OFFICE ZONING DISTRICT  
LOCATED AT 412 NORTH CHURCH STREET**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO ALLOW A DUMPSTER ENCLOSURE SIX (6) FEET IN HEIGHT  
IN THE FRONT YARD ALONG NORTH COURT STREET  
IN A C-1, LIMITED OFFICE ZONING DISTRICT  
LOCATED AT 412 NORTH CHURCH STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO ALLOW A SHED IN THE FRONT YARD ALONG NORTH COURT STREET  
IN A C-1, LIMITED OFFICE ZONING DISTRICT  
LOCATED AT 412 NORTH CHURCH STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.

5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 003-22**

Applicant  
Ward 12

**3303 North Main Street**

Attorney Sherry Harlan for Stephen Beers

**Special Use Permit** for residential self-storage buildings; and a **Variation** to reduce the required side yard setback from six (6) feet to zero (0) feet, a **Variation** to eliminate the four (4) foot open green space along the north and south sides of the property and a **Variation** to allow two freestanding monument signs on one lot in a C-2, Limited Commercial Zoning District

Attorney Sherry Harlan is representing the Applicant Stephen Beers who is also present. Engineer Frank McKearn and Architect John Swierk were also present. Attorney Harlan stated she is requesting a Special Use Permit and will be referring to the map that is located in the report. The adjacent property is used for self-storage, which Mr. Beers currently owns. Attorney Harlan stated an opportunity came up for him to purchase the adjacent car wash that was under performing and recently closed. They are proposing six new storage buildings on this site. If the zoning is approved for this item, their plan is to replat both parcels into one lot, which is a condition in the staff report. Attorney Harlan stated they would eliminate two access points and combine the access to just one, which will be on Mr. Beers' current property. This will improve the fire department access around the site as well. Attorney Harlan stated the variances are needed to redevelop the site and to provide the much needed storm water detention. Attorney Harlan also stated they are requesting to keep the existing sign but just removing the existing sign face. The signs will help with identifying the business.

No objectors were present and one interested party was present.

Alderman Gina Meeks stated she is in full support of this application. Alderman Meeks stated she is all for the improvements especially along North Main Street.

Jennifer Smith asked if the current car wash sign has a digital sign at the bottom. Attorney Harlan responded yes. Ms. Smith asked if they will retain that digital portion of the signage and Attorney Harlan responded yes.

Staff Recommendation is for Approval with six (6) conditions. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for residential self-storage buildings; **APPROVE** a Variation to reduce the required side yard setback from six (6) feet to zero (0) feet, **APPROVE** a Variation to eliminate the four (4) foot open green space along the north and south sides of the property and **APPROVE** a Variation to allow two freestanding monument signs on one lot in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all Applicable Building and Fire Codes.

2. No outdoor storage of trailers, campers, recreational vehicles, vans and related items.
3. Submittal of a landscaping plan for Staff's review and approval.
4. Submittal of sign permit for proposed wall mounted identification sign for Staff's review and approval.
5. Building must be constructed with architectural elements including brick or stone as shown in Exhibit E.
6. Submittal of a one-lot subdivision plat for Staff's review and approval.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
FOR RESIDENTIAL SELF-STORAGE BUILDINGS  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 3303 NORTH MAIN STREET**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
REDUCE THE REQUIRED SIDE YARD SETBACK FROM SIX (6) FEET TO ZERO (0) FEET  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 3303 NORTH MAIN STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
ELIMINATE THE FOUR (4) FOOT OPEN GREEN SPACE ALONG  
THE NORTH AND SOUTH SIDES OF THE PROPERTY  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 3303 NORTH MAIN STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
ALLOW TWO FREESTANDING MONUMENT SIGNS ON ONE LOT  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 3303 NORTH MAIN STREET**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 004-22**

Applicant  
Ward 14

**5075 28<sup>th</sup> Avenue**

Richard Webster for Home City Ice

**Variation** to eliminate the four (4) foot open green space along the west side of the property, a **Variation** to eliminate interior landscape island and foundation landscaping as shown on submitted landscape plan, a **Variation** to reduce the required 11 shade trees to four (4) shade trees and a **Variation** to eliminate the required frontage landscape units in an I-1, Light Industrial Zoning District

The applicant, Richard Webster of Home City Ice, was present along with CES Engineer Mark Painter and Architect Ged Trias of Larson and Darby. Mr. Painter provided an overview of the project. Currently, there is a driveway where employee parking is currently located right along the driveway in front of their existing building. Trucks that are being used by Home City Ice are parked on the west side. The gray area shown on the report is pavement or asphalt. Mr. Painter stated there is an expansion planned beyond the south with concrete pavement, which adds seven (7) truck parking stalls. These stalls are located on the west side of the building. There will be nine (9) truck parking stalls located south of the building. There has been improvement on the drainage; there are buried storm water detention units. They are designed to handle any excess runoff.

Mr. Webster stated the overall goal is to turn the warehouse into a production distribution facility. In order to run the operation they would need to operate 10 to 15 box trucks to distribute their products, which is why there is a need for the additional parking. The request is to remove the green space to allow space to add loading docks to the back of the building in addition to the truck parking area.

Mr. Painter stated they struggled with interior island landscaping but, along the side of the building, they could get foundation plantings along the building for approximately 35 percent. The existing loading docks prevent them from meeting the 50 percent requirement along the building. There is an area on the plan, showing rock surface but that can be revised to plantings. Mr. Painter stated they would like to withdraw the variation for the required frontage landscaping units. This is the last Variation listed in the request. Mr. Painter stated Mr. Webster agree to meet the frontage landscape units.

No objectors or interested parties were present.

Jennifer Smith asked if they could explain a little more about the storage retention under the payment. Mr.

Painter responded there is a series of small rectangles, each rectangle is an underground storm trap unit, and it is manufactured unit. They are set on a gravel pad.

Maurice Redd asked Staff is what was presented tonight would change their decision. Scott Capovilla responded that staff would stick to their recommendation but stated the applicant did make improvements to the original application. Mr. Capovilla said he would leave it to that board to make that decision. Maurice Redd wanted verification from the applicant that they are removing their final variation request. Mr. Painter responded that was correct.

Tom Fabiano asked if the applicant would like to submit a new plan with their designs. Mr. Painter responded they have a revised plan but had finished it late today. They can submit to staff for review. Mr. Fabiano stated that maybe a layover was in order so staff could review the plan and the board could review and vote on the new plan next month.

Board Discussion ensued on the topic.

A **MOTION** was made by Craig Sockwell to **LAYOVER** Variation to eliminate the four (4) foot open green space along the west side of the property, a Variation to eliminate interior landscape island and foundation landscaping as shown on submitted landscape plan, and a Variation to reduce the required 11 shade trees to four (4) shade trees in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 via roll call vote with Dan Roszkowski abstaining.

**ZBA 005-22**

Applicant  
Ward 6

**1321 Sandy Hollow Road**

Attorney Marvin Keys for 2018DT Sandy Hollow, LLC

**Special Use Permit** for an indoor residential self-storage facility in a C-3, General Commercial Zoning District

Attorney Marvin Keys was present on behalf of the applicant 2018DT Sandy Hollow, LLC. Attorney Keys stated they are requesting a Special Use Permit for an indoor residential self-storage facility in a C-3. The property they are looking to invest in is the former K-Mart on Sandy Hollow Road. Attorney Keys stated they are working with the City on a re-development agreement. Fifty percent of this facility will be utilize for self-storage and the rest will be a mixture of other commercial uses. Attorney Keys stated they are trying to re-develop the frontage of Sandy Hollow Road with retail or restaurants. Attorney Keys stated he would like condition number 5 to be removed regarding the landscaping. He also want to modify the condition number 3 to allow removal of bring the sign into compliance with the ordinance within six months of approval.

No objectors or interested parties were present.

Staff Recommendation is for Approval with nine (9) conditions. No emails were read into the record.

Scott Capovilla stated that staff supports the removal of condition 5 as the landscaping issues will be handled through the redevelopment and platting of outlots in the future. He also said staff supported the modification of the condition to allow the option for removal or to bring the sign into compliance with the ordinance. A suggested date for compliance was September 1, 2022.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for an indoor residential self-storage facility in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. All nonconforming freestanding signs must be removed from the property or brought into compliance with the ordinance by September 1, 2022.
3. All new signage must meet current code.
4. Facade improvements must be submitted for Staff review and approval.
5. Submittal of a dumpster enclosure permit, if necessary, including type of materials, location and site plan.
6. If additional services are to be provided as a part of the storage facility, a modification of the Special Use Permit will be required.
7. Outdoor storage is prohibited.
8. Must complete all improvements per the redevelopment agreement

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR  
AN INDOOR RESIDENTIAL SELF-STORAGE  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 1321 SANDY HOLLOW ROAD**

**APPROVAL** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-3 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:09 p.m.

Respectfully submitted,  
Leisha Kury, Administrative Assistant  
Zoning Board of Appeals